

**PHARMACY EXAMINING BOARD MEETING
APRIL 7, 2004**

PRESENT: Cynthia Benning, R.Ph; Michael Bettiga, R.Ph.; John Bohlman, R.Ph.;
Georgina Forbes; Charlotte Rasmussen; Susan Sutter, R.Ph.

STAFF PRESENT: Tom Ryan, Bureau Director; William Black, DRL Counsel to the Board;
Pamela Meicher, Program Assistant; DOE Staff

GUESTS: Dan Luce, R.Ph.; Larry P. Edwards, Dept. of Corrections; Franklin La
Dien, Walgreen Co.; April Tokarski, Walgreen Co.; Jamie Stat Paxter,
Dean RX; Tom Engels, PSW; Patrick Ross, Quad/Med; Michell Frazier,
Quad/Med; John J. Sterzinger, WI MedCyclation

CALL TO ORDER

Chair Michael Bettiga called the meeting to order at 9:07 a.m. A quorum of six members was present.

MOMENT OF SILENCE IN OBSERVANCE OF JACK MYERS

The Board took a moment of silence in honor of Jack Myers, former member of the Pharmacy Examining Board.

APPROVAL OF AGENDA

Amendments:

Plan of the Building
Screening Changes
New Screening Decision Making Model
NABP – Prescription Drug Importation
Total Pending Cases

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 11, 2004 AND MARCH 3, 2004

Amendments:

Page 6 – Remove “final” from the first sentence under VARIANCE REQUEST – UW
HOSPITAL & CLINICS DEPARTMENT OF PHARMACY.

Page 7 – Correct the motion by changing the first “to” to “for”.

MOTION: Susan Sutter moved, seconded by Cynthia Benning, to approve the February 11, 2004 minutes as amended. Motion carried unanimously.

MOTION: Susan Sutter moved, seconded by John Bohlman, to approve the March 3, 2004 minutes as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATION IN THE DISCIPLINARY
PROCEEDINGS AGAINST DALE WOLF, R.PH. -BEAVER DAM, WI AND DALE
PREY, R.PH. -OSHKOSH, WI BY ATTORNEY MICHAEL BERNDT–
CASE ADVISOR – CYNTHIA BENNING**

DOE Attorney Michael Berndt presented the Proposed Stipulation in the matter of Dale Wolf, R.Ph. This matter will be deliberated on in closed session.

ADMINISTRATIVE REPORT, INCLUDING:

DRL Building Renovation – Tour – 9:15 a.m:

The Bureau Director reported that it is the Secretary's priority to get better space for Boards and staff and that renovation of the existing structure is currently in progress. The Board was given a tour of the new space.

DRL Homeland Security Grant:

The Department received a Homeland Security Grant which will be used for door security in the renovated office space.

Memorandum from Division of Credentialing – Change to Blue Licenses:

The Board noted the memorandum from Cathy Pond, Administrator, Division of Credential Processing, addressing the blue license change. The blue renewal license form and the temporary license form will be changed to be the bottom third page of a full-sized sheet of paper. Changes were made mainly for security reasons.

Report on NABP Executive Orientation:

The Bureau Director reported he attended new executive orientation in Parkridge, IL. He said the meeting was well done and that he met all staff, toured the facility, and reported that attorneys gave a presentation on ethical considerations for licensing and credentialing authorities.

Resignation of Dan Luce and Appointment of Board IPP Liaison:

Dan Luce's resignation was effective March 31, 2004. Michael Bettiga said he was a good Board member and asked him to join the Board to hand off his cases and IPP assignment. The Bureau Director acknowledged Mr. Luce's service and years with the Board and thanked him on behalf of the Department. John Bohlman was appointed the new IPP liaison for the Board.

DHFS NUCLEAR PHARMACY TASK FORCE – STATUS AND PEB ROLE

DRL Legal Counsel reported to the Board that he had received a phone call from DHFS with questions related to rules for nuclear pharmacies. DHFS might contact the Pharmacy Examining Board for its participation in rule-making.

REIMPORTATION

The Board discussed a question and answer session designated Board members had with members of the State's Canadian Pharmacy evaluation team. Ms. Sutter indicated she would have liked to have been invited on the evaluation tour. She then stated she would like the Department to address at a future meeting the most recent complaint the Department received about a storefront in Racine, and she stated concerns about Governor Doyle's website.

The Bureau Director provided the Board a notice of an opportunity to comment on NABP's Prescription Drug Reimportation Public Meeting. After a brief discussion the Board made a motion for Ms. Sutter and Mr. Bettiga to respond on behalf of the Board.

MOTION: John Bohlman moved, seconded by Cynthia Benning, reaffirming that Susan Sutter and Michael Bettiga will act on behalf of the Board on reimportation issues and respond to the NABP request dated 04-02-04. Motion carried unanimously.

VARIANCE REVIEW – ATTORNEY MICHELLE FRAZIER – QUAD MED, INC. – PEWAUKEE, WI -

Michelle Frazier and Patrick Ross, Quad Med, Inc., appeared before the Board to discuss their variance. A discussion took place and the Board requested that Quad Med, Inc., provide a request in more detail so that the Board may review it.

VARIANCE REQUEST – SACRED HEART/ST. MARY'S HOSPITAL PHARMACY – RHINELANDER, WI

DRL Legal Counsel will send a letter to the pharmacy indicating the proposal is acceptable.

VARIANCE REQUEST – WISCONSIN MEDICAL CYCLOTRON, LLC – TWIN LAKES, WI

The Board confirmed that the applicant's records will be maintained for five years.

MOTION: Susan Sutter moved, seconded by Cynthia Benning, in favor of approving the variance for Wisconsin Medical Cyclotron, LLC, Twin Lakes, WI. Motion carried unanimously.

**DISTRIBUTOR APPLICATIONS REVIEW – LINDE GAS, LLC –
MADISON, WI; WAUKESHA, WI**

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, in favor of approving the two applications subject to the information from DRL Legal Counsel verifying that the pharmacy is open 365 days a year, no after hours, and the product is only stored in a cryogenic state. Motion carried unanimously.

**DISTRIBUTOR AND MANUFACTURER APPLICATIONS REVIEW – APRIA
HEALTHCARE, INC. – RICE LAKE, WI**

MOTION: John Bohlman moved, seconded by Susan Sutter, in favor of approving the Distributor and Manufacturer applications for Apria Healthcare, Inc. Rice Lake, WI. Motion carried unanimously.

PHARMACY APPLICATION REVIEW - HAUPER PHARMACY – UNION GROVE, WI

MOTION: Charlotte Rasmussen moved, seconded by Susan Sutter, in favor of approving the application for Hauper Pharmacy, Union Grove, WI. Motion carried unanimously

MOTION: Charlotte Rasmussen moved, seconded by John Bohlman, in favor of referring the cover letter and application of Hauper Pharmacy, Union Grove, WI, to DOE for alleged failure to notify the Department of Regulation and Licensing of its change of location, and by-pass the screening process. Motion carried unanimously

TECH CHECK TECH PROPOSAL – REVIEW CORRESPONDENCE FOR APPROVAL

DRL Legal Counsel will review the letter to Steve Rough (re: Tech Check Tech) and have Cynthia Benning review and approve the letter before sending it.

MOTION: Cynthia Benning moved, seconded by Georgia Forbes, in favor of DRL legal counsel re-drafting a letter to Steve Rough and have Cynthia Benning review and approve the letter before sending it. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION, INCLUDING:**

Clearinghouse Rule 03-096 – Professional Service Area Requirements when a pharmacist is absent – Review for adoption:

MOTION: John Bohlman moved, seconded by Susan Sutter, in favor of adopting CR 03-096, relating to the professional service area requirements where the pharmacist is absent, on the condition that there are not changes from the Legislature. Motion carried unanimously.

Clearinghouse Rule 04-002 – Admission to Examinations – Review for adoption contingent on no modifications from Legislature:

MOTION: John Bohlman moved, seconded by Susan Sutter, in favor of adopting CR 04-002, relating to the practical examination, NAPLEX and the multi-state pharmacy jurisprudence examination, and empowering the Secretary or Department staff to sign on behalf of the Board. Motion carried unanimously.

ELECTRONIC SIGNATURES MEMO – ADDITIONAL AMENDMENTS –CONSIDER FOR APPROVAL

MOTION: John Bohlman moved, seconded by Susan Sutter, in favor of adopting the amended Electronic Signatures memo, and that the Bureau Director will provide a copy to the Medical Examining Board for their review and decision on approval of its content and approval of the Department posting it on the MEB website. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

SCREENING REPORT

DOE staff provided copies of the new screening decision making model to the Board. DOE explained that pursuant to their agreement at the February meeting, two complaint categories will be closed by DOE after screening by the DOE staff attorney (without having to bring the complaint to the PEB screening panel). The two categories are:

- Medicaid billing cases; and
- Convictions for offenses not substantially related to the practice of pharmacy.

It was also noted that DOE will work with members of the PEB screening panel to analyze past PEB cases to determine if there are other categories of cases that can also be dealt with by the DOE staff attorney instead of the screening panel.

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to allow Dan Luce to join the Board in Closed Session. Motion carried unanimously.

CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); to consider individual histories or disciplinary data (Wis. Stat § 19.85 (f)); and to confer with legal counsel (Wis. Stat § 19.85 (1) (g)). Motion carried by roll call vote: Cynthia Benning –yes; Michael Bettiga-yes; John Bohlman-yes; Georgina Forbes-yes; Charlotte Rasmussen-yes; Susan Sutter-yes.

Open session recessed at 1:05 p.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to reconvene into Open Session at 4:32 p.m. Motion carried unanimously.

PHARMACIST APPLICATION REVIEW – VANESA VOJVODIC – CHICAGO, IL - REQUEST TO TAKE MPJE

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, in favor of requesting that Vanesa Vojvodic submit a self inspection report, completed with a Wisconsin licensed pharmacist, to the Division of Credentialing before she may be approved to take the MPJE a third time. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATION IN THE DISCIPLINARY PROCEEDINGS AGAINST DALE WOLF, R.PH. - BEAVER DAM, WI AND DALE PREY, R.PH. -OSHKOSH, WI – CASE ADVISOR – CYNTHIA BENNING

MOTION: Charlotte Rasmussen moved, seconded by Susan Sutter, to reject the stipulation and close case (P7) 01 PHM 020 against all named pharmacists, and open a case against the pharmacy. John Bohlman recused himself and left the room. Motion carried.

CASE CLOSING – 03 PHM 076 – CASE ADVISOR – JOHN BOHLMAN

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to close case 03 PHM 076 and have DOE (Michael Berndt) advise in the closing letter of the “near miss” by the physician. Michael Bettiga abstained. Motion carried.

CASE CLOSING – 03 PHM 014 – CASE ADVISORS – GEORGINA FORBES, DAN LUCE

The Board has requested additional information before a decision can be made.

DOE MONITORING

BECKY GOBERMANN –REQUEST FOR REMOVAL OF LIMITATION

MOTION: John Bohlman moved, seconded by Cynthia Benning, in favor of removing the limitation on the license of Becky Gobermann. Motion carried unanimously.

**CORY FORD - REQUEST FOR FULL LICENSURE OR 3 MONTH STAY OF
SUSPENSION**

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, in favor of granting full licensure to Cory Ford. Motion carried unanimously.

**ROBERT GUZZETTA – REQUEST FOR 3 MONTH STAY OF SUSPENSION WITH
MODIFICATIONS**

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, in favor of granting a three month stay of suspension and denying any modifications to the order in the matter of Robert Guzzetta. Motion carried unanimously.

MICHAEL IVY – REQUEST FOR REMOVAL OF LIMITATION

MOTION: Susan Sutter moved, seconded by Charlotte Rasmussen, in favor of removing the limitation on the license of Michael Ivy. Motion carried unanimously.

GERALD JENNINGS - REQUEST FOR 3 MONTH STAY OF SUSPENSION

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, in favor of granting a three month stay of suspension in the matter of Gerald Jennings. Motion carried unanimously.

**WILLIAM KARWOSKI – REQUEST FOR 3 MONTH STAY OF SUSPENSION WITH
MODIFICATIONS**

MOTION: Susan Sutter moved, seconded by Charlotte Rasmussen, in favor of granting a three month stay of suspension and modifying the order to reduce his therapy to once a month in the matter of William Karwoski. Motion carried unanimously.

KEVIN PAMPUCH – REQUEST FOR 3 MONTH STAY OF SUSPENSION WITH MODIFICATIONS

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, in favor of granting a three month stay of suspension and modifying the order to reduce his screens to six a month in the matter of Kevin Pampuch. Motion carried unanimously.

ANDREW RICE – REQUEST FOR 3 MONTH STAY OF SUSPENSION WITH MODIFICATIONS

MOTION: Susan Sutter moved, seconded by Cynthia Benning, in favor of granting a three month stay of suspension and modifying the order to reduce his screens to 4 a month, increase PIC (pharmacy in charge) to 16 hours a week, he can open and close but not consecutively, in the matter of Andrew Rice. Michael Bettiga abstained. Motion carried.

JOHN SCHMITT – REQUEST FOR 3 MONTH STAY OF SUSPENSION

MOTION: Susan Sutter moved, seconded by Georgina Forbes, in favor of granting a three month stay of suspension and modifying the order to approve his new therapist, Dr. Ronald Matthew, in the matter of John Schmitt. Michael Bettiga abstained. Motion carried.

CHARLENE WILLIS – REQUEST FOR 3 MONTH STAY OF SUSPENSION WITH MODIFICATIONS

MOTION: Charlotte Rasmussen moved, seconded by Susan Sutter, in favor of granting a three month stay of suspension and denying any order modifications in the matter of Charlene Willis. Motion carried unanimously.

ROGER IVERSON – POSSIBLE VIOLATION OF BOARD ORDER

MOTION: Susan Sutter moved, seconded by Cynthia Benning, in favor of suspending the license of Roger Iverson. Motion carried unanimously.

DISCUSSION AND ACTION ON WOMENS INTERNATIONAL PHARMACY'S REQUEST FOR MODIFICATION OF ORDER

The Board briefly discussed the request and decided to take no action while the case is the subject of ongoing litigation.

MOTION: Susan Sutter moved, seconded by Cynthia Benning, in favor of the Board not entertaining a petition to modify an underlying Board Order relating to LS9806121PHM while the case is the subject of ongoing litigation. Motion carried unanimously.

APPROVAL OF EXAMINATION SCORES

MOTION: Susan Sutter moved, seconded by Charlotte Rasmussen, in favor of validating examination scores based on scores as provide by the Education and Examinations Office for any Board member present for the examination. Motion carried unanimously.

ADJOURNMENT

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, in favor of adjourning the meeting at 4:40 p.m. Motion carried unanimously.

Next Meeting Wednesday, July 14, 2004